IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 134 (M/B) 2001
(Old No.10219/1998)

Kamal Kant Budhkar,
S/o Sri Laxman Rao Sharma Budhkar,
R/o Laxman Niwas, Sadhu Bela Road,
Hardwar and another .....Petitioners

Versus

Hardwar Development Authority,
Through its Vice Chairman,
Hardwar and others ....Respondents

Sri Alok Singh/Sri Arvind Vashistha, Advocate for the petitioners,
Sri S. Dhulia , Advocate for Hardwar Development Authority.

AND

Writ Petition No. 1012 (M/B) 2003

Teerth Purohit Samaj and others .....Petitioners

Versus

State of Uttaranchal and others ....Respondents.

Sri Pankaj Miglani, Advocate for the petitioners,
Sri N.B. Tiwari , learned C.S.C. for the State
Sri S.Dhulia, Advocate for Hardwar Development Authority.

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Coram: Hon'ble S.H. Kapadia, C.J.
Hon'ble M.M. Ghildiyal. J.

Date: 24.10.2003:

PC:-

Both the writ petitions deal with the common subject. Therefore, both the petitions are disposed of by this common order.

Hears learned Advocate on both the sides.

The structure in question is about 400 years old. Certain work has been carried out by the petitioner-Kamal Kant Budhkar. It is not clear whether the work constitutes repairs or renovation. We need not go into that aspect because it involves public religions sentiments. However, Advocate appearing on both sides have acted reasonably and accordingly we pass the following order:

ORDER

The Haridwar Development Authority will visit the site and ascertain whether the work done by the petitioner is a repair or renovation. They will also instruct the petitioner to take steps to restore the original structure. Liberty is given to the petitioners to submit a technical report of experts to Haridwar Development Authority. If the Development Authority comes to the conclusion that steps are required to be taken by the petitioner to restore the structure then petition is permitted to restore the structure as per the directions given by the Engineers/Experts appointed by Haridwar Development Authority.

The order is passed as the structure is 400 years old and it might get damaged if work is done without seeking opinion of the experts.

The entire costs of restoring the structure to its original position will be borne by the petitioners.

In case the experts appointed by the Development authority are of the considered opinion that it is not possible to restore the structure then liberty is given to the petitioners to move this Court after notice to the respondents.

Accordingly, both the above writ petitions are disposed of.

(M.M. Ghildiyal. J.) **(S.H. Kapadia, C.J.)**

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